



City of Marietta Meeting Agenda

205 Lawrence Street
Post Office Box 609
Marietta, Georgia 30061

CITY COUNCIL

William B. Dunaway, Mayor
Annette Paige Lewis, Ward 1
Griffin "Grif" L. Chalfant, Jr., Ward 2
Holly Marie Walquist, Ward 3
Irvan A. "Van" Pearlberg, Ward 4
Rev. Anthony C. Coleman, Ward 5
James W. King, Ward 6
Philip M. Goldstein, Ward 7

Wednesday, June 11, 2008

7:00 PM

Council Chamber

CALL TO ORDER:

INVOCATION:

Council member Annette Lewis, Ward 1

PLEDGE OF ALLEGIANCE:

PRESENTATIONS:

20080638 Distinguished Service Award - William Florence

Distinguished Service Award presented to William Florence for his dedication and service on the Marietta Planning Commission.

20080643 Fleet Maintenance

Recognition of the Fleet Maintenance Division of Public Works for their outstanding achievement of being recognized as one of the "Top 100 Fleet Maintenance Operations" in the country by Fleet Equipment Magazine. The Fleet Maintenance Employees to be recognized for this achievement are

Scott Lawler, Operations Manager
Eric Johnston, Fleet Supervisor
Darren Camp
Terry Fischlein
Ricky Gibbs
Josh Little
Reggie Maiden
Mike Middleton
Mark Rice
Zach White
Patrick Haight
Jordan Stubblefield
Joan Marshall
David Drafall

(Video)

PROCLAMATIONS:**ANNOUNCEMENTS OF GENERAL COMMUNITY INFORMATION BY THE MAYOR, COUNCIL AND/OR CITY MANAGER:****CONSENT AGENDA:**

Consent agenda items are marked by an asterisk (*). Consent items are approved by majority of council. A public hearing will be held only for those items marked by an asterisk that require a public hearing (also noted on agenda).

MINUTES:

- * **20080617 Regular Meeting - May 12, 2008**
Review and approval of the May 12, 2008 regular meeting minutes.
- * **20080618 Special Meeting - May 28, 2008**
Review and approval of the May 28, 2008 special meeting minutes.
- 20080692 Special Meeting - June 9, 2008**
Review and approval of the June 9, 2008 special meeting minutes.

MAYOR'S APPOINTMENTS:**CITY COUNCIL APPOINTMENTS:**

- * **20080579 Board of Zoning Appeals Appointment - Ward 5**
Appointment of Steve Carson to the Board of Zoning Appeals (Ward 5) for a three-year term, expiring June 11, 2011.
- * **20080580 Historic Preservation Commission Appointment - Ward 5**
Appointment of Terry Lee to the Historic Preservation Commission (Ward 5) to fill the unexpired term of Brenda McCrae, which expires September 14, 2008.
- * **20080694 Historic Preservation Commission Appointment - Ward 5**
Appointment of Terry Lee to the Historic Preservation Commission (Ward 5) for a three year term beginning September 14, 2008 and expiring September 13, 2011.

ORDINANCES:

- .
- .
- * **20080594 Code Enforcement - 496 Barnes Mill Drive**
An ordinance authorizing the removal of overgrown grass, weeds and obnoxious vegetation, along with trash and debris, rendering sanitary property in the corporate limits of the City of Marietta, Georgia at 496 Barnes Mill Drive.
Listed Owner: Lanham Marjorie Juanita
Certified mail receipt not received as of 05/30/08
Taxes paid: Yes
PUBLIC HEARING REQUIRED
Philip M. Goldstein abstaining

- * **20080625 Code Enforcement - 341 W. Post Oak Xing**
- An ordinance authorizing the removal of overgrown grass, weeds and obnoxious vegetation, along with trash and debris, rendering sanitary property in the corporate limits of the City of Marietta, Georgia at 341 W. Post Oak Xing.
Listed Owner: Erika S. Burse
Certified mail receipt not received as of 05/30/08.
Taxes paid: Yes
PUBLIC HEARING REQUIRED
Philip M. Goldstein abstaining
- * **20080626 Code Enforcement - 586 Welch Street**
- An ordinance authorizing the removal of overgrown grass, weeds and obnoxious vegetation, along with trash and debris, rendering sanitary property in the corporate limits of the City of Marietta, Georgia at 586 Welch Street.
Listed Owner: Rod Pritchett
Certified mail receipt received 05/18/08 as "not deliverable."
Taxes paid: Yes
PUBLIC HEARING REQUIRED
Philip M. Goldstein abstaining
- * **20080639 Code Enforcement - 206 Westland Circle**
- An ordinance authorizing the removal of overgrown grass, weeds and obnoxious vegetation, along with trash and debris, rendering sanitary property in the corporate limits of the City of Marietta, Georgia at 206 Westland Circle.
Listed Owner: Frances Lee Nelson
Certified mail receipt not received as of 05/30/08.
Taxes paid: Yes
PUBLIC HEARING REQUIRED
Philip M. Goldstein
- * **20080640 Code Enforcement - 71 Barrington Place**
- An ordinance authorizing the removal of overgrown grass, weeds and obnoxious vegetation, along with trash and debris, rendering sanitary property in the corporate limits of the City of Marietta, Georgia at 71 Barrington Place.
Listed Owner: Dias Machado Walter II
Certified mail receipt not received as of 05/29/08
Taxes paid: Yes
PUBLIC HEARING REQUIRED
Philip M. Goldstein abstaining
- ·
- * **20080645 Code Enforcement - 395 Alexander Circle**
- An ordinance authorizing the removal of overgrown grass, weeds and obnoxious vegetation, along with trash and debris, rendering sanitary property in the corporate limits of the City of Marietta, Georgia at 395 Alexander Circle.
Listed Owner: Les Smith

Certified mail receipt received on 06/02/08.

Taxes paid: Yes

PUBLIC HEARING REQUIRED

* **20080646 Code Enforcement - 356 Wellons Street**

An ordinance authorizing the removal of overgrown grass, weeds and obnoxious vegetation, along with trash and debris, rendering sanitary property in the corporate limits of the City of Marietta, Georgia at 356 Wellons Street.

Listed Owner: Sharon McHenry

Certified mail receipt returned on 05/27/08; unable to forward.

Taxes paid: Yes

PUBLIC HEARING REQUIRED

Philip M. Goldstein abstaining

* **20080648 Code Enforcement - 411 Edwards Drive**

An ordinance authorizing the removal of overgrown grass, weeds and obnoxious vegetation, along with trash and debris, rendering sanitary property in the corporate limits of the City of Marietta, Georgia at 411 Edwards Drive.

Listed Owner: Windy Fuller

Certified mail receipt not received as of 05/30/08.

Taxes paid: NO; \$836.60

PUBLIC HEARING REQUIRED

Philip M. Goldstein abstaining

* **20080650 Code Enforcement - 222 Cole Street**

An ordinance authorizing the removal of overgrown grass, weeds and obnoxious vegetation, along with trash and debris, rendering sanitary property in the corporate limits of the City of Marietta, Georgia at 222 Cole Street.

Listed Owner: Freeport Title & Guaranty, Inc.

Certified mail receipt received on 05/28/08; signature not legible.

Taxes paid: Yes

PUBLIC HEARING REQUIRED

Philip M. Goldstein abstaining

* **20080652 Code Enforcement - 375 Kings Court**

An ordinance authorizing the removal of overgrown grass, weeds and obnoxious vegetation, along with trash and debris, rendering sanitary property in the corporate limits of the City of Marietta, Georgia at 375 Kings Court.

Listed Owner: Dolores Guzman & Bertha Sanche

Certified mail receipt not received as of 05/30/08.

Taxes paid: Yes

PUBLIC HEARING REQUIRED

Philip M. Goldstein abstaining

* **20080654 Code Enforcement - 403 Windsor Drive**

An ordinance authorizing the removal of overgrown grass, weeds and obnoxious vegetation, along with trash and debris, rendering sanitary property in the corporate limits of the City of Marietta, Georgia at 403 Windsor Drive.

Listed Owner: D.E. Wilson and Associates, Inc.
Certified mail receipt not received as of 05/30/08.
Taxes paid: NO, \$469.78
PUBLIC HEARING REQUIRED
Philip M. Goldstein abstaining

* **20080655 Code Enforcement - 635 Wisteria Drive**

An ordinance authorizing the removal of overgrown grass, weeds and obnoxious vegetation, along with trash and debris, rendering sanitary property in the corporate limits of the City of Marietta, Georgia at 635 Wisteria Drive.
Listed Owner: George H. Williams
Certified mail receipt received 05/23/08.
Taxes paid: NO, \$5,935.62
PUBLIC HEARING REQUIRED

* **20080656 Code Enforcement - 126 South Avenue**

An ordinance authorizing the removal of overgrown grass, weeds and obnoxious vegetation, along with trash and debris, rendering sanitary property in the corporate limits of the City of Marietta, Georgia at 126 South Avenue.
Listed Owner: Gwen Wilcox Newberry
Certified mail receipt not received as of 05/30/08.
Taxes paid: NO; \$762.32
PUBLIC HEARING REQUIRED
Philip M. Goldstein abstaining

* **20080657 Code Enforcement - 509 Tower Road**

An ordinance authorizing the removal of overgrown grass, weeds and obnoxious vegetation, along with trash and debris, rendering sanitary property in the corporate limits of the City of Marietta, Georgia at 509 Tower Road.
Listed Owner: Bobby L. Terrell & Frank Wigington
Certified mail receipt received on 06/02/08; not signed by owner.
Taxes paid: NO, \$677.90 due on Parcel 16 10130 0220
\$624.16 due on Parcel 16 10130 0240
PUBLIC HEARING REQUIRED
Philip M. Goldstein abstaining

* **20080658 Code Enforcement - 511 Tower Road**

An ordinance authorizing the removal of overgrown grass, weeds and obnoxious vegetation, along with trash and debris, rendering sanitary property in the corporate limits of the City of Marietta, Georgia at 511 Tower Road.
Listed Owner: Fred Appleby
Certified mail receipt not received as of 05/30/08.
Taxes paid: Yes
PUBLIC HEARING REQUIRED
Philip M. Goldstein abstaining

* **20080674 Code Enforcement - 995 Laurel Springs Lane**

An ordinance authorizing the removal of overgrown grass, weeds and obnoxious

vegetation, along with trash and debris, rendering sanitary property in the corporate limits of the City of Marietta, Georgia at 995 Laurel Springs Lane.

Listed Owner: Robert E. Lamb

Certified mail receipt not received as of 06-02-08.

Taxes paid: Yes

PUBLIC HEARING REQUIRED

Philip M. Goldstein abstaining

* **20080675 Code Enforcement - 356 Redwood Drive**

An ordinance authorizing the removal of overgrown grass, weeds and obnoxious vegetation, along with trash and debris, rendering sanitary property in the corporate limits of the City of Marietta, Georgia at 356 Redwood Drive.

Listed Owner: James E. and Cheryl R. Ponder

Certified mail receipt not received as of 06-02-08.

Taxes paid: Yes

PUBLIC HEARING REQUIRED

Philip M. Goldstein abstaining

* **20080541 Z2008-05 City of Marietta 133 Rigby Street**

Z2008-05 [REZONING] CITY OF MARIETTA requests rezoning for property located in Land Lot 12160, District 16, Parcel 0100, 2nd Section, Marietta, Cobb County, Georgia and being known as 133 Rigby Street from PRD-MF (Planned Residential Development Multi-Family) to R-4 (Single Family Residential 4 units/acre). Ward 5.

Planning Commission recommends approval

Vote: 7 - 0 - 0

Motion: Mr. Carter made a motion to accept the building of this structure on Rigby Street in his ward, seconded by Mr. Kinney.

Stipulation: n/a

Public Hearing (all parties are sworn in)

20071431 CA2008-03 Proposal to amend the Comprehensive Development Code Section 710.07, Storage

CA2008-03 [CODE AMENDMENT] Proposal to amend the Comprehensive Development Code of the City of Marietta, Section 710.07 Storage.

Planning Commission recommended Approval

Vote: 6 - 1 - 0

Motion: Mr. Kinney recommend approval of this code amendment, as stipulated, seconded by Mrs. Sonnenfeld. Mr. Parker opposed.

Stipulation: That the 90 days be changed to 120 days.

Public Hearing (all parties are sworn in)

RESOLUTIONS:

CITY ATTORNEY'S REPORT:**CITY MANAGER'S REPORT:****MAYOR'S REPORT:****COMMITTEE REPORTS:****1. Economic/Community Development: Grif Chalfant, Chairperson***** 20080585 FY'2008 HOME Program Subrecipient Agreement**

Approval of a Resolution authorizing the execution of the FFY'2008 HOME Program Subrecipient Agreement with the Georgia Urban County Consortium's administrative agent, Cobb County.

2. Finance/Investment: Annette Lewis, Chairperson*** 20080546 Recommended Budget for FY09**

An Ordinance adopting the Annual Budget for the fiscal year ending June 30, 2009, for the variance funds of the City of Marietta and enacting the tentative Ad Valorem tax levies for said fiscal year for support of the City of Marietta governmental operations and other public purposes, and debt service obligations.

*** 20080547 Welcome Center Contract**

Motion approving a request to allocate hotel/motel and 3% auto rental tax funds and approve the FY09 Welcome Center Contract.

Council member Goldstein filed a written disclosure with the City Clerk that the Theatre on the Square is one of his tenants and abstains on items that deal with Tourism Grants for the Theatre. He has been a member of the History Museum and Brumby Hall, and is a current member of Cobb Landmarks and Marietta-Cobb Museum of Art.

Mayor Dunaway disclosed that he is a member of Cobb Landmarks and has worked on fundraisers for Friends of Brown Park and his wife is a member of Marietta-Cobb Museum of Art.

Council member Pearlberg disclosed that he is on the Marietta Museum of History Board of Directors, he is a member of Cobb Landmarks and his wife is a member of the Georgia Ballet.

Council member Walquist disclosed that she is a member of the Marietta-Cobb Museum of Art, Cobb Landmarks and Museum of History.

*** 20080548 Post-Employment Trust Fund**

Motion approving a Voluntary Employee Benefits Association Trust Agreement, "The City of Marietta Trust for Other Post-Employment Benefits (OPEB)."

*** 20080549 Weed and Seed Budget Amendment**

Budget amendment to move the FY2008 budget for the Weed and Seed Program from the general fund to a new fund of the City

- * **20080572 Cemetery Fund Budget Amendment**
Budget Amendment allocating \$36,700 from Cemetery Reserves to expenditure account for repairs to the city cemetery and, an additional \$1189.00 from cemetery reserves to expenditure account to balance the account because of unexpected expenses incurred during the budget year.

- * **20080574 Acceptance of a donation**
Budget Amendment appropriating a \$1,010 donation from Marietta Flea Market. Approval to move the donation into the fire admin. general operating fund [101 4101 522 6111] for public education and safety programs.

- * **20080583 Weed and Seed Summer Intern**
Request approval to receive \$2,358 from United Way to fund a summer intern for the Franklin Road Weed and Seed Project

3. Judicial/Legislative: Philip M. Goldstein, Chairperson

- * **20080424 Comprehensive Development Code, Section 714, Signs**
Motion to authorize advertisement revision to the City of Marietta Zoning Ordinance, Division 714 Signs, Section 714.02 , Permit Requirements.

- * **20080450 Overlay District Boundaries**
Motion to authorize advertisement revision to the City of Marietta Zoning Ordinance, Section 712.09, Commercial Corridor Design Overlay District, regarding boundary changes and distance between pedestrian lights.

- * **20080628 Ordinance Amending Streets and Sidewalks**
Ordinance amending chapter 5-4 Streets and Sidewalks of the Marietta City Code by adding Section 5-4-190 Modification of Sidewalks within the Central Business District; Permit Required, with the following amendment:
Item B7 shall be amended to read, "All bricks shall only contain the names of donors, organization, title, honorarium, memorial and/or dates."
Council member Goldstein filed a written disclosure with the City Clerk that he is a manager and part owner of the Herbert S. Goldstein Family Limited Partnership, which is the landlord for the Friends of the Strand, Inc.

Council member Goldstein abstaining.

- 20080593 Street Name Change**
Motion requested by Councilman Anthony Coleman for street name change from Hyde Drive to Kenneth E. Marcus Way.

4. Parks, Recreation and Tourism: Holly Walquist, Chairperson

5. Personnel/Insurance: Van Pearlberg, Chairperson

- * **20080576 Request to revise Chapter 4-4 of the Personnel Rules and Regulations**
Ordinance to revise Chapters 4-4, 4-8, and 4-12 of the Personnel Rules and Regulations to address title and department designations, terminations of employees under certain conditions, revisions to the FMLA, revisions to the

City/BLW Pay and Classification Plan, revisions to employee evaluation process, and miscellaneous language changes.

Council member Philip Goldstein voting against

20080520 Cobb-Marietta Water Authority Appointment

Request by Councilman Van Pearlberg for a discussion regarding an appointment to the Cobb-Marietta Water Authority for a term of four years to fill the unexpired term of Scott Craddock, which expires August 14, 2008.

6. Public Safety Committee: Anthony Coleman, Chairperson

*** 20080561 Standard Operating Procedures**

Motion approving amendments to the Marietta Police Department Standard Operating Procedures: A034 Budget and Physical Management; A044 Uniforms, Equipment, and Department Property; A045 Time Control Procedures; A050 Secondary Employment; A054 Assignments; A073 Building Security; E015 Emergency Operations; S031 Habitual or Serious Offender; S045 Crime Interdiction Unit

7. Public Works Committee: Jim King, Chairperson

SCHEDULED APPEARANCES:

UNSCHEDULED APPEARANCES:

OTHER BUSINESS:

*** 20080688 175th Anniversary Celebration (2009)**

Resolution authorizing staff to move forward with the planning of events and activities associated with 175th Anniversary Celebration (2009).

*** 20080584 Marietta Museum of History Board of Directors**

Appointment of Harry Lembeck, Alexis Amaden, Stephen W. Imler, and Danna "Kaye" Long to the Marietta Museum of History Board of Directors for a 3-year term expiring on June 11, 2011.

20080542 V2008-08 Centerpoint Engineering 1252 and 1256 Roswell Road

V2008-08 [VARIANCE] CENTERPOINT ENGINEERING request variances for property located in Land Lot 1239, 16th District, Parcels 0090 and 0190, 2nd Section of Cobb County, Marietta, Georgia and being located at 1252 and 1256 Roswell Road. Variance to reduce the required planted border from 5' to 0' along private drive; Variance to reduce the required landscape strip from 10 feet to 6.2 feet along Roswell Road; Variance to increase the maximum impervious surface area to 81% from 80%; Variance to reduce required parking from 42 spaces to 41 spaces; Variance to reduce the minimum width of interior drives from 20 feet to 15 feet. Ward 7.

20080663 Purchase of Property - 277 and 291 Roswell Street

Motion to authorize the purchase of a landscape easement at 277 and 291 Roswell Street for the amount of \$3,500 from Fred E. Cook and Anna C. James.

*** 20080664 Condemnation of Property - 780 Church Street, Rite Aid**

Motion to authorize the acquisition of property owned by WOODROSE, LLC on behalf of the City of Marietta by means of eminent domain. A description of the interest to be acquired is attached hereto and incorporated herein by reference, including the legal description of the property and a survey of such property. The city attorney is hereby authorized and directed to take any and all action necessary to acquire such property by virtue of eminent domain, including the right to file any appeals in such case.

Council member Coleman voting against.

* **20080665 Condemnation of Property - 792 Church Street - Gatti Office**

Motion to authorize the acquisition of property owned by ANTHONY J. GATTI and JANICE B. GATTI on behalf of the City of Marietta by means of eminent domain. A description of the interest to be acquired is attached hereto and incorporated herein by reference, including the legal description of the property and a survey of such property. The city attorney is hereby authorized and directed to take any and all action necessary to acquire such property by virtue of eminent domain, including the right to file any appeals in such case.

Council member Coleman voting against.

* **20080666 Condemnation of Property - 26 Tower Road, Ventas Realty**

Motion to authorize the acquisition of property owned by VENTAS REALTY, LIMITED PARTNERSHIP on behalf of the City of Marietta by means of eminent domain. A description of the interest to be acquired is attached hereto and incorporated herein by reference, including the legal description of the property and a survey of such property. The city attorney is hereby authorized and directed to take any and all action necessary to acquire such property by virtue of eminent domain, including the right to file any appeals in such case.

Council member Coleman voting against.

* **20080667 Condemnation of Property - 789 Church Street, Peoples Financial**

Motion to authorize the acquisition of property owned by PEOPLES FINANCIAL CORPORATION on behalf of the City of Marietta by means of eminent domain. A description of the interest to be acquired is attached hereto and incorporated herein by reference, including the legal description of the property and a survey of such property. The city attorney is hereby authorized and directed to take any and all action necessary to acquire such property by virtue of eminent domain, including the right to file any appeals in such case.

Council member Coleman voting against.

* **20080668 Condemnation of Property - 72 Plaza Way, Dr. Espy and Dr. Kelley**

Motion to authorize the acquisition of property owned by ALPHA ENTERPRISES, A GEORGIA GENERAL PARTNERSHIP on behalf of the City of Marietta by means of eminent domain. A description of the interest to be acquired is attached hereto and incorporated herein by reference, including the legal description of the property and a survey of such property. The city attorney is hereby authorized and directed to take any and all action necessary to acquire such property by virtue of eminent domain, including the right to file any appeals

in such case.

Council member Coleman voting against.

* **20080669 Condemnation of Property - 805 Campbell Hill Street, Revisional Eye**

Motion to authorize the acquisition of property owned by REVISIONAL PROPERTIES, LLC on behalf of the City of Marietta by means of eminent domain. A description of the interest to be acquired is attached hereto and incorporated herein by reference, including the legal description of the property and a survey of such property. The city attorney is hereby authorized and directed to take any and all action necessary to acquire such property by virtue of eminent domain, including the right to file any appeals in such case.

Council member Coleman voting against.

* **20080670 Condemnation of Property - 731 Whitlock Avenue, Rite Aid**

Motion to authorize the acquisition of property owned by DDR SOUTHEAST WHITLOCK, L.L.C. on behalf of the City of Marietta by means of eminent domain. A description of the interest to be acquired is attached hereto and incorporated herein by reference, including the legal description of the property and a survey of such property. The city attorney is hereby authorized and directed to take any and all action necessary to acquire such property by virtue of eminent domain, including the right to file any appeals in such case.

20080696 Property purchase , 597/599 Frasier St

Motion to authorize the purchase of property owned by Marietta Developers, Inc., located at 597/599 Frasier Street for 155,000. The purchase is to be used for the S. Fairground Street (N. Marietta Parkway to S. Marietta Parkway) Project.

20080697 Property purchase , 607/609 Frasier St

Motion to authorize the purchase of property owned by Marietta Developers, Inc., located at 607/609 Frasier Street for 155,000. The purchase is to be used for the S. Fairground Street (N. Marietta Parkway to S. Marietta Parkway) Project.

ADJOURNMENT: